



Local Rule Changes as of October 28, 2004

U.S. District Court, Texas Eastern

Here are noteworthy changes to the local rules enacted on October 28, 2004 by General Order 04-24:

- **Electronic file size limitations increased.** Local Rule CV-5 (a)(4) was amended to allow attorneys to electronically file documents up to five megabytes in size, which is substantially larger than the previous "40 page rule." The new threshold allows attorneys to electronically file most documents without having to separate them into multiple files. Instructions on how to determine electronic file size will be posted on the court's website.
- **Courtesy copies sent at time of electronic filing.** Local Rule CV-5 (b) was changed to require counsel to send courtesy copies of electronically-filed documents over five pages in length to the presiding judge contemporaneous to the time of filing.
- **Preference for separate motions for each request.** Local Rule CV-10(a)(2) now specifies the court's preference for filing each request in a separate pleading, motion or document, rather than combining multiple requests into one motion, pleading or document.
- **Technical defects cured within one business day whenever possible.** New language in Local Rule CV-10(d) indicates that technical deficiencies in electronically-filed documents should be cured within one business day, if possible, from the time counsel is notified that there is a perceived defect. It is helpful to both judges and attorneys if filing errors are cured quickly.
- **Use of minor's full name permitted if consent is obtained.** Local Rule CV-10(e)(2) was amended to allow counsel, in certain circumstances, to be able to refer to a minor by his or her full name with the consent of the minor's parent, guardian or next friend, or when the minor's full name is used by the parent, guardian or next friend in a document filed with the court. Counsel is responsible for insuring that filed documents containing personal identifiers are properly redacted.
- **What attorneys must do to receive electronic notice of case filings.** Local Rule CV-77 now states that attorneys who sign and electronically file pleadings and documents will receive notice of all case filings by electronic mail. Other attorneys who wish to receive e-mail notice of case filings must file a notice of appearance with the court. Attorneys must file a motion if they wish to receive conventional mail, rather than e-mail, notification of filings. The court is generally disinclined to grant such motions in light of Local Rule CV-5(a), which makes electronic filing mandatory for attorneys.
- **Standing orders.** New Local Rule CV-83(c) requires a judge's standing orders to conform to the uniform rule numbering system prescribed by the Judicial Conference of the United States. The court will periodically review standing orders for compliance with Fed.R.Civ.P. 83(b) and for possible inclusion in the local rules. The new rule does not apply to provisions in scheduling or other case-specific orders.
- **Courtroom Attire and Conduct.** New Local Rule CV-83(d) gives the presiding judge the discretion to establish specific standards of dress and conduct in his/her courtroom.

General Order 04-24 and the up-to-date version of the local rules can be found on the court's website, located at www.txed.uscourts.gov.